the word "muster" by the court in the instant case, which no doubt seems at first blush to be extremely technical, is nevertheless sustained by a great number of adjudged cases both in this country and in England. *Methuen* v. *Martin*, Sayer, 107; *Grant* v. *Gould*, 2 H. Bl. 103; *Wolton* v. *Gavin*, 16 Q. B. 48; *Bamfield* v. *Abbot*, 9 Law Rep. 510; *Houston* v. *Moore*, 5 Wheat. (U. S.) 20. Certainly such an interpretation carries out the probable intent of the legislature in passing the Act. Moreover, it scarcely can be contended that the result reached by the court was not an equitable one.

CARRIERS—CONTRIBUTORY NEGLIGENCE OF PASSENGER IN FAILING TO WARN TAXI DRIVER OF IMPENDING DANGER.—While the plaintiff was riding in one of the defendants cabs the driver negligently came into collision with another car. According to the testimony of the plaintiff she saw the other car approaching on an intersecting street when both cars were one hundred feet from the intersection but failed to warn the driver of the taxicab. The trial court refused to give a charge on contributory negligence. *Held*, that there was no evidence sufficient to support a charge of contributory negligence. A taxicab company is a common carrier of passengers, and "a passenger has the right to rely upon the presumption that the carrier is familiar with the dangers to be apprehended and will use all necessary skill and vigilance to avoid them." *McKeller* v. *Yellow Cab Co., Inc.*, (Minn., 1921), 181 N. W. 348.

A taxicab company is generally held to be a common carrier, the reason being that it holds itself out to serve all who apply for transportation at a fixed charge. *Carlton* v. *Boudar*, 118 Va. 521; *Van Hoeffen* v. *Columbia Taxicab Co.*, 179 Mo. App. 591. Hence, they are bound to do all that human care and foresight can reasonably do, consistent with the character and mode of conveyance adopted, to prevent accidents and injuries to passengers carried by them. *Boland* v. *Gay*, 201 Ill. App. 351. Even though a negligent act on the part of the passenger which proximately contributes to the injury may preclude his recovery from the carrier, it is generally held that mere failure to act even in the face of imminent danger will not. *Grand Rapids & Indiana R. Co.* v. *Ellison*, 117 Ind. 234. Thus, where a passenger on a railroad saw a train approaching on an intersecting road, his failure to warn the engineer by pulling the bell cord was held not to preclude his recovery. *Grand Rapids & Indiana R. Co.* v. *Ellison*, *supra*. And a passenger on a bus is not guilty of contributory negligence in failing to warn the driver of excessive speed. *Harmon* v. *Barber*, 247 Fed. 1. And a passenger on a train is not bound to notify the conductor of the presence of an iron frame which is likely to fall and injure him. *Diffenderfer* v. *Penn. R. Co.*, 67 Penn. Super. Ct. Rep. 187. The law correctly draws a distinction between the duty of the passenger in a taxicab and the duty of a guest in an automobile to warn the driver of impending perils. As to the duty of the guest, see *Howe* v. *Corey*, (Wis., 1920), 179 N. W. 791, 19 MICH. L. REV. 433.

CARRIERS—DEGREE OF CARE NECESSARY IN KEEPING AISLES FREE.—Plaintiff had been a passenger in a Pullman chair car and sued for an injury received from stumbling over a footstool in the aisle. He was not allowed to recover